

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 1:22-cv-21233-KMM

BRYAN SEVARES,

Plaintiff,

v.

AMERICAN PIPELINE CONSTRUCTION, LLC,
and ANDRES LUNA,

Defendants.

ORDER ON REPORT AND RECOMMENDATION

THIS CAUSE came before the Court upon Plaintiff's Motion for an Award of Attorneys' Fees and Costs. ("Motion" or "Mot") (ECF No. 34).¹ The matter was referred to the Honorable Lauren Fleischer Louis, United States Magistrate Judge. (ECF No. 35). On July 13, 2023, Magistrate Judge Louis issued a Report and Recommendation, ("R&R") (ECF No. 38), recommending Plaintiff's Motion be GRANTED IN PART AND DENIED IN PART. Plaintiff did not object to the R&R, and the time to do so has passed. The matter is now ripe for review. As set forth below, the Court ADOPTS the R&R.

The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). The Court "must consider *de novo* any objection to the magistrate judge's recommendation." Fed. R. Crim. P. 59(b)(3). A *de novo* review is therefore required if a party files "a proper, specific objection" to a factual finding contained in the report. *Macort v. Prem, Inc.*, 208 F. App'x 781,

¹ Judge Louis granted the second portion of Plaintiff's Motion, regarding the compelled disclosure of certain discovery information, by separate order. *See* (ECF No. 37).

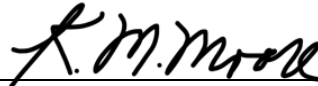
784 (11th Cir. 2006). “It is critical that the objection be sufficiently specific and not a general objection to the report” to warrant *de novo* review. *Id.*

Yet when a party has not properly objected to the magistrate judge’s findings, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *See Keaton v. United States*, No. 14-21230-CIV, 2015 WL 12780912, at *1 (S.D. Fla. May 4, 2015); *see also Lopez v. Berryhill*, No. 17-CV-24263, 2019 WL 2254704, at *2 (S.D. Fla. Feb. 26, 2019) (stating that a district judge “evaluate[s] portions of the R & R not objected to under a clearly erroneous standard of review” (citing *Davis v. Apfel*, 93 F. Supp. 2d 1313, 1317 (M.D. Fla. 2000))).

In her Report and Recommendation, Magistrate Judge Louis concludes that: (1) Plaintiff’s counsel’s hourly rates are reasonable, *see* R&R at 5; but (2) the hourly rate of \$150.00 requested for Plaintiff’s paralegals “is excessive and should be reduced” to \$125.00 per hour, *see id.* at 5–6; (3) Plaintiff’s counsel Mr. Pollock billed 1.0 billable hours at \$450.00 per hour, Plaintiff’s counsel Mr. Cummings billed 14.2 billable hours at \$350.00 per hour, and Plaintiff’s paralegals billed 5.4 hours of billable time at the above-determined rate of \$125.00 per hour; so in total, Plaintiffs are owed a grand total of \$6,095.00 in attorneys’ fees, *see id.* at 6–9; and (4) Plaintiffs may recover \$402.00 in taxable costs, *see id.* at 9–11. This Court agrees.

Accordingly, UPON CONSIDERATION of the Motion, the R&R, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that Magistrate Judge Louis's R&R (ECF No. 38) is ADOPTED. Plaintiff's Motion (ECF No. 34) is GRANTED IN PART AND DENIED IN PART. Defendant is awarded \$6,095.00 in attorney's fees and \$402.00 in taxable costs.

DONE AND ORDERED in Chambers at Miami, Florida, this 2nd day of August, 2023.

A handwritten signature in black ink, appearing to read "K. M. Moore", is written over a horizontal line.

K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

c: All counsel of record